HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.55 of 2007

Dated:03.01.2007

Between:

Dalai Lakshmana Rao.

…Petitioner

and

The District Registrar and another.

…Respondents

HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.55 of 2007

ORDER:

The petitioner filed the instant Writ Petition seeking a writ of mandamus declaring G.O.Ms.No.509, dated 28.07.2000, as unconstitutional and consequently direct the respondents to receive and register the deeds of any conveyance executed by him in respect of land admeasuring 200 square yards in survey No.13/2 situated at Vepagunta Village, Pendurthi Mandal, Visakhapatnam District and to deliver the said registered deeds to him.

In **State of Rajasthan v. Basanth Nahata**[1], the Supreme Court struck down the provision in Registration Act as amended by the State of Rajasthan as *ultra vires.* Following the same, a Division Bench of this Court in its judgment, dated 07.12.2005, in W.P.No.14099 of 2003 and batch struck down Section 22-A of the Registration Act as applicable in State of Andhra Pradesh. It is also brought to the notice of this Court that Special Leave Petition filed by the State Government against the said judgment was also dismissed by the Supreme Court on 11.08.2006. Therefore, the impugned G.O.Ms.No.509, dated 28.07.2000, cannot be sustained.

In view of the Judgment of the Supreme Court as well as this Court in W.P.No.14099 of 2003, Section 22-A of the Registration Act itself has been declared *ultra vires,* and therefore, Government Order issued in exercise of powers under Section 22-A of the Registration Act cannot be enforced. Following the judgment of the Division Bench, this Writ Petition is disposed of, and the impugned G.O.Ms.No.509, dated 28.07.2000, is set aside. As and when the sale

deeds are presented by the petitioner, the Registering Authority shall accept the same for registration, and if for any reason, the same cannot be registered, record the reasons.

The Writ Petition, subject to the above observations, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

03.01.2007
GJ

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[1] (2005)12 SCC 77